

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

JAMES J. TREACY and ANTHONY BONICA,

Defendant.

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08 CV 4052 (RJS)(JCF)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the annexed Memorandum of Law and all prior pleadings and proceedings herein, Defendant James J. Treacy, by his counsel, Steptoe & Johnson LLP, will move this Court before the Honorable Richard J. Sullivan, at the United States Courthouse, 500 Pearl Street, New York, New York on a date and time to be set by the Court for an order staying the present civil proceedings pending resolution of a parallel criminal proceeding.

Respectfully submitted,

Dated: New York, New York
July 8, 2008

STEPTOE & JOHNSON LLP

By: s/ Evan T. Barr

Evan T. Barr

Sandra E. Cavazos

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*Attorneys for Defendant
James J. Treacy*

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served upon the parties listed below by ECF and Federal Express on July 8, 2008, a true and correct copy of the annexed Notice of Motion to Stay Proceedings, Pending Resolution of Parallel Criminal Proceeding.

/s Kimberlyn Brzozowski

David Stoelting, Esq.
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New York Regional Office
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Anthony Bonica

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[PROPOSED] ORDER

Defendant James J. Treacy, having filed a Motion to Stay Proceedings Pending Resolution of Parallel Criminal Proceeding, together with a Memorandum of Law in support thereof, and this Court having considered any opposition and reply memoranda filed in connection therewith, it is hereby:

ORDERED that Defendant's Motion to Stay Proceedings Pending Resolution of Parallel Criminal Proceeding is **GRANTED**.

SO ORDERED.

DATED: New York, New York

_____, 2008

RICHARD J. SULLIVAN
United States District Judge